



STATE BOARD OF EQUALIZATION

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Executive Secretary

No. 78/115

July 7, 1978

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 25

In compliance with your Legislative Committee's proposal that you be informed of the various property tax bills and amendments being proposed in the State Legislature, we submit to you those measures introduced or amended recently that have reached our office.

We are including only those bills or constitutional amendments that we feel are of importance to you as an assessor. Bills concerning the functions of the tax collector, auditor, and other county or special district officials will usually be excluded.

Copies of bills and amendments introduced may be obtained by placing orders with the Legislative Bill Room (State Capitol, Room 1149, Sacramento, 95814).

ASSEMBLY BILLS

No. 1625 - Amended June 22, 1978

An act to amend Sections 51201, 51231, 51232, 51233, 51238, 51238.5, 51244.5, and 51251 of, to add Sections 51205.1, ~~51281.1~~, and ~~51283~~ to, and to ~~repeal Section 51283 of~~, 51248.5, 51281.1, and 51283.1 to, the Government Code, and to amend Section 423 of the Revenue and Taxation Code, relating to agricultural lands.

(1) Existing law includes within the definition of "agricultural preserve" compatible uses as designed by a city or county.

This bill would delete that portion of the definition and would permit land within a scenic highway corridor to be included within a preserve under certain conditions.

(2) Where the boundaries of a preserve are changed, existing law requires notice to adjacent owners.

This bill would require such notice to owners of land under contract within 1 mile of the exterior boundary of the land to be removed from the preserve and would also require such notice to be published.

(3) Existing law requires specified notice be given when a preserve is established.

This bill would require notice as well when a preserve is disestablished, altered or changed.

(4) Existing law permits a county board of supervisors to indemnify a landowner who permits his property to be used for free public recreation.

July 7, 1978

ASSEMBLY BILLS (Contd.)No. 1625 - (Contd.)

This bill would so authorize a city council.

(5) Existing law provides that where the initial term of a contract is for 20 years or more, a provision may be included which would automatically extend the term of the contract under certain conditions.

This bill would reduce the initial term necessary for such a contract to 10 years.

(6) Existing law specifies conditions under which suit may be brought to enforce a contract.

This bill would authorize other actions to be brought.

(7) Currently, the board of supervisors of a county or the city council of a city may cancel any contract entered into between landowner and the city or county, as the case may be, to preserve agricultural land. A fee is charged to make such a cancellation, representing deferred taxes upon cancellation.

This bill would ~~change~~ provide for an additional cancellation fee, establish the manner of determining the amount of such additional cancellation fee and provide for a waiver of ~~the~~ such additional fee or any portion of it after a finding by the board or council that it would be in the public interest.

(8) Existing law provides formulas to be used when assessing land which is enforceably restricted by contract.

This bill would change a portion of such formula. It would also provide for an application fee for a petition to cancel a contract.

(9) This bill would make no appropriation to reimburse local agencies for costs incurred by them under the bill for a specified reason.

No. 2023 - Amended June 28, 1978

An act to amend Sections 6443, 6301, 6531, 6550, 6570, 6571, and 6631 of, to add Sections 6505 and 6530.5 of, and to repeal Section 6505 of, the Streets and Highways Code, relating to the Improvement Act of 1911.

(1) Under the Improvement Act of 1911, the treasurer is required to send a card, not later than April 1st and October 1st, to the owner of property for which assessments are delinquent stating the amount due and the date when payment is due from him on the assessment and stating that the payment is subject to penalty if not paid on or prior to the due date.

The bill would require the card to ~~include, in English and Spanish~~ state, in 14-point boldface type, ~~stating~~ that the property will be sold if the assessments are not paid and that the assessments are not related to property tax.

(2) Under the act, the treasurer is required to send a notice of sale to any owner of property to be sold for nonpayment of assessment.

The bill would require that the notice include, in ~~English and Spanish~~ in 14-point boldface type, a warning that the property will soon be sold unless payment is made. The telephone number of the foreclosure clerk at the treasurer's office would be included in the notice.

(3) Under the act, the day specified in the notice of sale may not be less than 30 days from the date of the first publication of the notice. At least 15 days prior to the sale, the treasurer is required to send a copy

ASSEMBLY BILLS (Contd.)No. 2023 - (Contd.)

of the notice to the bondholder and to the property owner as shown on the last equalized assessment roll and the person to be shown as the owner on the next roll.

The bill would revise the above periods to 45 days and 30 days respectively.

The treasurer would be required to send, with the copy of the notice of sale, to the property owner and such person another notice in ~~English and Spanish~~ in 14-point boldface type, stating that the treasurer has arranged to sell the property at a specified date unless the delinquency debt is paid by that date. The telephone number of the foreclosure clerk would be included in the second notice.

(4) Under the act, the owner of any property sold for nonpayment of assessment may redeem the property within 12 months from the date of sale or before application by the purchaser for a deed.

The bill would require the treasurer, within 10 days of the issuance of a certificate of sale, to send by first-class mail to the owner of the property as shown on the last equalized assessment roll and the person to be shown as the owner on the next roll a notice, in ~~English and Spanish~~ in 14-point boldface type, stating that the property was sold for failure to pay for the improvement, but that there is still at least 11 months to make the necessary payment to save the property. The telephone number of the foreclosure clerk would be included.

(5) Under the act, redemption of property may be made by payment to the treasurer of an amount which, among other things, includes the purchase money.

The bill would require the amount for redemption to include, among other things, the amount due on the bond rather than the purchase money.

(6) Under the act, the purchaser of the property is required, at least 30 days prior to the expiration of the time of redemption of 30 days before his application for a deed, to request the treasurer to send, by certified mail, to the property owner a notice stating the intention of the purchaser to apply for a deed. The treasurer is required to mail and post the notice by such 30-day period. In addition, the notice is required to be personally served on the owner.

The bill would increase the above periods from 30 days to 60 days.

The bill would also require the notice to state, in ~~English and Spanish~~ in 14-point boldface type, that the property has been sold, but may be saved by paying what is owed by a specified date. The notice would include the telephone number of the foreclosure clerk.

The bill would delete the requirement that the owner be personally served if the treasurer executes a certificate stating, among other things, that the owner could not, with reasonable diligence, be so served during the 60-day period.

(7) Under the act, the purchaser, within 60 days of the purchase of property for delinquency, may send to the person to whom the property is assessed for taxation as shown on the last equalized assessment roll and to the legal owner as shown in the recorded deed a copy of the certificate of sale by registered mail. If a copy is so sent, no action may be commenced to attack the validity of the sale after 1 year of the date of sale.

July 7, 1978

ASSEMBLY BILLS (Contd.)No. 2023 - (Contd.)

The bill would require that the copy of certificate of sale be sent by first-class mail also and would bar any such action 1 year after the date of mailing the copy. The bill would require that a notice be sent also. The notice would be in ~~English and Spanish~~ in 14-point boldface type stating that the property has been sold for nonpayment of assessments and that the validity may be contested within 1 year of the date of the mailing of the notice.

(8) Under the act, any action contesting the validity of a deed issued for the purchase of property because of nonpayment of assessment, or the validity of the proceedings subsequent to the issuance of the certificate of sale, is required to be brought within 6 months after the issuance of the deed.

The bill would extend the above period to 12 months.

(9) Under the act, the treasurer is required to reinstate any delinquent bond upon payment to him of all principal and interest coupons delinquent at the time of reinstatement together with enumerated penalties and costs.

The bill would authorize the treasurer also to collect \$3 for ascertainment of the name and address of the property owner in such a case.

(10) The bill would provide that neither appropriation is made nor obligation created for reimbursement of any local agency for any costs incurred by it pursuant to this bill for a specified reason.

No. 2649 - Amended June 23, 1978

An act to add Sections 66424.3 and 66424.4 to the Government Code, relating to subdivision of land.

The Subdivision Map Act defines "subdivision" as the division of any unit or units of land shown on the latest county assessment role as a unit or contiguous units, where the division is for the purpose of sale, non-agricultural lease, or financing. Present law specifically declares that property shall be considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights-of-way.

This bill would provide for recordation of a notice of separation, as specified, whereafter property separated by public roads, streets, highways, or canals or by railroad rights-of-way would be deemed separate and distinct parcels for purposes of the Subdivision Map Act.

This bill would specify that no appropriation is made nor obligation created under this bill pursuant to Section 2231 of the Revenue and Taxation Code for a specified reason.

No. 3080 - Amended June 22, 1978

An act to amend Section 7267.2 of the Government Code, relating to public records.

Existing provisions of the California Public Records Act exempt from the disclosure requirements of the act, subject to certain conditions, the contents of real estate appraisals made for or by a state or local agency relative to the acquisition of property.

This bill would provide that with respect to provisions of the law relating to relocation assistance pursuant to which a public entity may acquire real property, when the property involved is owner occupied residential

ASSEMBLY BILLS (Contd.)No. 3080 - (Contd.)

property and contains no more than 4 residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer to acquire the property is based.

No. 3635 - Amended June 26, 1978

An act to amend Sections 42241, 56031, 56302, 56312, 56317, 56330, 56332, 56332.5, 56335, 56336, 56336.2, 56336.3, 56336.5, 56337, 56339, 56341.3, 56354, 56355, 56362.2, 56367, 56601, 56611, 56612, 56613, 56615, 56618, 59002, and 59204 of, to add Sections 56006 and 56806 to, and to repeal Sections 41892, 42241, 56144, 56606, 56609, 56610, and 56806 of, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

(1) Existing law requires that the Superintendent of Public Instruction withhold a specified amount from amounts otherwise required to be apportioned for special education and gifted programs for research, development, and evaluation of such program.

This bill would delete that provision.

(2) Existing law prescribes a method for increasing or decreasing the revenue limit of a school district based upon the districts contribution for the cost of special education provided in private facilities when public facilities are not available.

This bill would repeal that provision on July 1, 1979, and would limit its application to costs incurred during July 1, 1977, to December 31, 1977.

(3) Existing law prescribes an extensive system for providing education for handicapped pupils, including the development and implementation of an individualized education program. Further, various provisions of federal law provide for the education of handicapped children and require that such children be provided with a free and appropriate education. Admission to special education programs is required to be made only on the basis of an individual assessment and allows a parent who disagrees with the assessment to obtain an independent one.

This bill would authorize the State Board of Education to waive any provision of the Education Code, or regulation adopted pursuant thereto, if such action is necessary either to prevent the hindrance of the implementation of the individualized education program or compliance with the federal requirements.

This bill ~~also~~ would redesignate specific references to "a responsible local agency" in the Education Code to a "Special Education Services Region" as defined. It would also redesignate specific references to an "admission committee" in the Education Code to an "eligibility and planning team."

This bill would ~~require~~ provide that a parent has the right to procure an independent educational assessment ~~to be made~~ at public expense. If ~~unless~~ a fair hearing panel determines that the recommended educational assessment and decision obtained by the local educational agency is appropriate, the parent would still have the right to an independent educational assessment, but not at public expense.

(4) Current law permits certain private schools to provide educational programs with public funds when an appropriate program is not available in the public schools.

ASSEMBLY BILLS (Contd.)No. 3635 - (Contd.)

This bill would permit a nonprofit, tax exempt licensed children's institution to be a "private school" within the meaning of the provisions relating to the education of exceptional children in nonpublic schools.

This bill would also specify that pupils so enrolled in nonpublic schools would be included in the computation of state apportionments and revenue limits for the period between January 1, 1978, and June 30, 1978.

(5) Under current law, pupils enrolled in nonpublic schools under a local comprehensive plan for the education of exceptional children are deemed to be enrolled in public schools for all purposes related to making apportionments and allowances from Section A of the State School Fund.

This bill would limit the application of that provision to apportionments made pursuant to a specified chapter.

(6) Existing law requires the Commission for Teacher Preparation and Licensing to adopt rules and regulations which prescribe standards for teacher qualifications for each type of special education program.

This bill would prohibit the employment of a person to teach educationally handicapped pupils unless such person holds a valid credential for such service. This bill would also authorize other credential holders to be employed in limited substitute service.

(7) Existing law requires a fair hearing on the issue of whether or not a child should or should not be enrolled in a development center for handicapped pupils, and the parent or guardian disagrees with the decision.

This bill would specify in detail the procedures to be followed in such a case.

(8) Under existing law, the Superintendent of Public Instruction must annually report to the State Board of Education and to the Commission on Special Education in the Department of Education the number of handicapped minors transferred from a state hospital to a regional center or other local agency, who are not currently enrolled in a public or private educational program.

This bill would delete that provision.

(9) Under current law, the Superintendent of Public Instruction is required to prescribe the form and manner of notification of intention to initiate a program for educationally handicapped pupils and before initiating any program for educationally handicapped pupils, the governing board of a school district or county superintendent of schools ~~must~~ is required to obtain prior approval of the Superintendent of Public Instruction. In addition, prior approval of the Superintendent of Public Instruction must be received before an allowance or apportionment is to be made for extension of an existing program by a school district or county superintendent of schools which exceeds 120 percent of the enrollment at the end of the sixth school month of the prior year. ~~Further, admission~~ Admission of minors to specific programs for the educationally handicapped must be made only on the basis of an individual evaluation, as specified.

This bill would delete such provisions.

(10) Existing law requires the State Board of Education to adopt rules and regulations prescribing standards for special education programs for autistic pupils. Such rules and regulations must ensure that no county has more than 4 autistic pupils enrolled in special education classes or programs for autistic pupils per 10,000 average daily attendance.

ASSEMBLY BILLS (Contd.)No. 3635 - (Contd.)

This bill would delete the requirement that such rules and regulations provide for the number of autistic pupils allowed to be served within each county.

(11) This bill would take effect immediately as an urgency statute and would become operative on July 1, 1978.

No. 3820 - June 7, 1978

An act to add Section 2506.2 to the Education Code and to add Article 11 (commencing with Section 2370) to Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Existing law as revised by the addition of Article XIII A to the California Constitution by Proposition 13, on the ballot for the statewide election held on June 6, 1978, limits the maximum property tax rate which may be levied by local agencies to 1% of the full cash value of such property as defined. Article XIII A also requires a 2/3 vote of the Legislature to increase all state taxes.

This bill would conform California statutory law to Article XIII A of the California Constitution.

The bill would take effect immediately as an urgency statute.

No. 3816 - June 7, 1978

An act to add Chapter 9 (commencing with Section 30500) to Division 3 of Title 3 of the Government Code, relating to property tax revenues, and making an appropriation therefor.

Existing law does not generally require that local agency property tax revenues be distributed in any specific manner.

This bill would establish a tax allocation commission in each county, which would determine the allocation and distribution of property tax revenues.

The bill would appropriate an unspecified amount to the Controller for allocation and disbursement to local agencies for costs incurred by them pursuant to this act.

No. 3817 - June 7, 1978

An act relating to state subventions to special districts, and declaring the urgency thereof, to take effect immediately.

This is no provision under existing law for the reimbursement of special districts for property tax revenue reductions resulting from the passage of Proposition 13 on the ballot for the statewide election on June 6, 1978.

This bill would provide for the reimbursement to fire protection districts and library districts for a specified portion of property tax reductions resulting from the passage of such measure for the 1978-1979 fiscal year, and would appropriate from the General Fund to the State Controller an amount sufficient to make such reimbursements.

This bill would take effect immediately as an urgency statute.

July 7, 1978

ASSEMBLY CONSTITUTIONAL AMENDMENTNo. 92 - June 7, 1978

A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing subdivision (k) of Section 3 of Article XIII, relating to taxation.

The Constitution presently exempts from taxation \$7,000 of the full value of a dwelling when occupied by an owner as his principal residence and authorizes the Legislature to increase that exemption.

This measure would delete that exemption.

SENATE BILLSNo. 12 - Amended June 27, 1978

An act to add Division 3 (commencing with Section 50000) to the Revenue and Taxation Code, relating to revenues and expenditures.

Existing law does not limit the amount of expenditures or revenues collected by the State of California

This bill would set state expenditure limits based on expenditures for the 1978-79 fiscal year as increased annually by the percentage change in California personal income and would limit the uses for any state revenues in excess of such expenditure limit.

No. 1744 - Amended June 22, 1978

An act to add Section 2188.6 to the Revenue and Taxation Code, relating to taxation.

Under existing property tax law, tax liens attach to property on the first day of March preceding the fiscal year for which the taxes are levied. Such lien would attach to an entire condominium project prior to the individual units being initially sold.

This bill would permit the initial seller or buyer of an individual unit in a condominium project to request a separate assessment and tax bill on the unit, in which case the property tax due on the individual unit would constitute a lien solely on such unit, and the property taxes due on other units in the condominium project shall not be a lien on a unit on which there has been such separate assessment.

This bill would provide that notwithstanding Sections 2231 and 2234 of the Revenue and Taxation Code, there shall be no reimbursement nor appropriation made by this bill for a specified reason.

SIGNED BY THE GOVERNOR

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
AB 2077	284	June 22, 1978	Immediately

An act to amend Section 41201 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

Existing law provides that any state entity which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on that basis for school building fund repayment purposes, shall adjust the assessed valuation used in making

SIGNED BY THE GOVERNOR (Contd.)No. AB 2077 - (Contd.)

computations to conform to the statewide average. The State Board of Equalization is required to formulate factors to be used for this purpose and transmit them to the Superintendent of Public Instruction on or before October 1st of each year. Also, if the factor for the current fiscal year is not provided to the county superintendent of schools by the fifth working day of August, a preliminary factor may be used.

This bill instead would require that whenever the factor for a school district is redetermined after July 1 of any fiscal year, the adjusted factor shall be used in the succeeding fiscal year for adjusting the district's state equalization aid entitlement.

This bill would also delete obsolete language relating to the three-year average factor for 1970 to 1973.

This bill would take effect immediately as an urgency statute and become operative on July 1, 1978.

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
AB 3479	291	June 22, 1978	January 1, 1979

An act to add Section 2262.2 to the Revenue and Taxation Code, relating to taxation.

Existing law establishes the maximum property tax rate which a local agency may levy without prior approval of the voters, and authorizes a local agency to increase such maximum rate in certain circumstances.

This bill would specify that a local agency or district formed by a city to take over and perform services theretofore provided by a county service area may increase its maximum property tax rate which may be levied without prior approval of the voters by an amount equal to the rate which had, or could have been levied by the county service area.

This bill would contain legislative findings and declarations that this bill is declarative of existing law.

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
SB 1571	353	July 4, 1978	Immediately

An act to amend and repeal Section 1603 of, and to add Sections 155.2, 155.3, 532.3, and 4843 to, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Existing law mandates certain duties to be performed by each county assessor by a specified date, with regard to the taxation of property.

This bill would extend the date by which such duties relating to the assessment roll for the 1978-79 fiscal year only must be performed, and would make nonmandatory certain duties of any assessor of a county of more than four million population which are not directly related to the preparation of the assessment roll, for such fiscal year.

July 7, 1978

SIGNED BY THE GOVERNOR (Contd.)No. SB 1571 - (Contd.)

Under existing law, applications for reductions in assessments are required to be filed within specified time periods in various counties.

This bill would extend such time periods for the 1978-79 fiscal year only, and would also make the time periods uniform for all counties.

Under existing law, no amount of overpayment of property taxes may be refunded except on a claim verified by the person who paid the tax, his guardian, executor or administrator, which is filed within a specified period.

This bill would authorize assessors to make corrections to the 1978-79 roll during such fiscal year without a prior hearing or approval by the board of supervisors and would authorize the refund of overpayments of taxes resulting from corrections to the 1978-79 fiscal year roll whether or not a claim has been filed for such refund.

Under existing law, local agencies are required to perform certain duties for the assessment and taxation of property by dates specified by statute.

This bill would revise the dates by which certain duties must be performed by local agencies, for the 1978-79 fiscal year only.

This bill would take effect immediately as an urgency statute.

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
SB 1643	296	June 27, 1978	Immediately

An act relating to school districts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Existing law provides that the creation of or change of boundary in a school district is not effective for purposes of local assessment and taxation for the fiscal year beginning on the following July 1, unless various statements, resolutions, maps, and plats of boundaries were filed by January 1.

This bill would permit the formation of one district and a boundary change in another to become effective for tax purposes for the 1978-79 fiscal year if the required documents have been filed by February 15, 1978.

Existing law grants the homeowners' property tax exemption in the amount of \$7,000 of the full value of qualified dwellings and continuously appropriates state funds for subventions to local government to compensate for property tax revenues lost by reason of such exemption.

This bill would increase the amount of such appropriation by authorizing new entities to impose a property tax.

The bill would also provide that notwithstanding existing law requiring reimbursements and appropriations for state-mandated local programs, there shall be no reimbursement or appropriation made by this bill for a specified reason.

This bill would take effect immediately as an urgency statute and would be repealed effective January 1, 1979.

Appropriation: yes.

SIGNED BY THE GOVERNOR (Contd.)

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
SB 1952	262	June 20, 1978	January 1, 1979

An act to amend Section 5784.8a of the Public Resources Code, relating to recreation and park districts.

Existing law allows a city that is located entirely or partially within a recreation and park district to elect to pay out of municipal funds the taxes levied for district purposes, and requires the board of directors of the district to approve the city's election to pay the taxes when specified conditions are met.

This bill would require in addition that the board of directors of a district concur in having the district's operations funded by a city in such manner.

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Date Signed</u>	<u>Effective Date</u>
SB 2212	332	June 30, 1978	Immediately

An act to amend Section 84904 of the Education Code, to amend Sections 16115, 16250, 16260, 16271, 16272, 16272.3, 16272.5, 16272.7, 16275, 16280, 16281, 16285, 16494.7, 16499, and 26912 of, and to add Sections 16251, 16261, 16279, 16280.5, 16282 and 26912.1 to, the Government Code, to amend Section 110.1 of, to amend and renumber Section 2235 of, and to amend and repeal Section 110.6 of, the Revenue and Taxation Code, to amend Section 5705 of the Welfare and Institutions Code, and to amend Sections 1, 2, 5, 6, 9, 20, 34, and 38 of, Chapter 292 of the Statutes of 1978, relating to implementing Article XIII A of the Constitution of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Proposition 13 on the ballot for the Direct Primary Election held on Tuesday, June 6, 1978, added Article XIII A to the Constitution to place various limitations on the taxing power of state and local governments. Senate Bill No. 154 was enacted as Chapter 292 of the Statutes of 1978 to implement such proposition and, among other things, such bill revised the method of financing the public school system.

This bill would make various technical and other changes in school finance provisions.

This bill would revise provisions of Chapter 292 of the Statutes of 1978 relating to taxation, and to the use of state funds for cost-of-living salary increases to, among other things, prohibit the use of state funds from the state surplus or state loan funds by local public agencies, as defined, to provide an increase in salary, as defined, in the 1978-79 fiscal year to any elected or appointed noncivil service officer of such agencies, if it is in excess of the cost of living salary increase provided for state employees.

TO COUNTY ASSESSORS

-12-

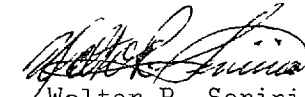
July 7, 1978

SIGNED BY THE GOVERNOR (Contd.)

No. AB 2212 - (Contd.)

This bill would also make other technical and supplemental changes.
This bill would take effect immediately as an urgency statute.
Appropriation: yes.

Sincerely,



Walter R. Senini
Chief of Operations
Property Tax Department

WRS:ebv
Enclosure